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Attorneys for Respondent

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ELI TONEY DELRAY,

Petitioner,

v.

WARDEN,

Respondent.


Case Number:
CV-10-1845 VBF (RNB)

REQUEST FOR
ENLARGEMENT OF TIME TO
RESPOND TO THE PENDING
PETITION FOR WRIT OF
HABEAS CORPUS

Based on the attached Declaration of Tracey W. Lopez, Deputy District Attorney, request is hereby made pursuant to Fed. R. Civ. P. 6 (b) for an enlargement of time to and including May 27, 2010, in which to file a Motion to Dismiss the pending petition for writ of habeas corpus.

Respectfully submitted,
STEVE COOLEY,
District Attorney of Los Angeles County


PATRICK D. MORAN


TRACEY W. LOPEZ
Deputy District Attorneys
Appellate Division
Attorneys for Respondent

DECLARATION OF TRACEY W. LOPEZ

The undersigned, Tracey W. Lopez, hereby declares under penalty of perjury that the following is true and correct:

Declarant is a Deputy District Attorney for Los Angeles County currently assigned to the Appellate Division of the Los Angeles County District Attorney's Office.

On March 18, 2010, this Court issued its Order Requiring Answer to Petition for Writ of Habeas Corpus which was served upon the Attorney General. Declarant is informed and believes that the Petition and Order was misdirected to the State Department of Mental Health which erroneously assigned it to a private attorney to handle on a contract basis.

On April 12, 2010, after communication with the Attorney General's Office, it was determined that the Los Angeles County District Attorney's Office is proper counsel for the Respondent in this matter because Petitioner is detained upon a currently pending civil commitment petition filed by Los Angeles County pursuant to California's Sexually Violent Predator laws. Also on April 12, 2010, the District Attorney's Office received a copy of the Petition for Writ of Habeas Corpus and this matter was assigned to declarant. On April 13, 2010, declarant was out of the office due to illness. On April 14, 2010, concurrent with this request for enlargement of time, declarant is filing a Notice of Appearance.

1 Under this Court's Order, a Motion to Dismiss would be due Monday,
2 April 19, 2010. Declarant will be unable to file a Motion to Dismiss until May 27,
3 2010 because the Petition for Writ of Habeas Corpus is lengthy and after its review
4 declarant will need to secure copies of additional documents, and because declarant
5 already has briefs due on Friday, April 16, 2010 in *People v. Jones* No. BR047581
6 [Appellate Division] and Friday, April 30, 2010 in *Brown v. Superior Court (People)*,
7 No. B221980 [Return to Petition for Writ of Mandate in the California Court of
8 Appeal].
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11 Therefore, for the reasons given above, declarant respectfully requests
12 an enlargement of time to and including May 27, 2010 to file a Motion to Dismiss the
13 Habeas Corpus Petition.
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15 Executed on April 14, 2010, at Los Angeles, California.
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19 TRACEY W. LOPEZ
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DECLARATION OF SERVICE BY MAIL

The undersigned declares under penalty of perjury that the following is true and correct:

I am over eighteen years of age, not a party to the within cause and employed in the Office of the District Attorney of Los Angeles County with offices at 320 West Temple St., Suite 540, Los Angeles, California 90012. On the date of execution hereof, I served the attached Request for Enlargement of Time to Respond to the Pending Petition for Writ of Habeas Corpus upon each addressee by depositing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail in the County of Los Angeles, California, addressed as follows, and where indicated, by e-mail:

Eli Toney DelRay
CSH-000155-2
Coalinga State Hospital
24511 West Janey Avenue
PO Box 5003
Coalinga, CA 93211-5003

Executed on April 14, 2010, at Los Angeles, California.

(Signature) Laura Vega